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8 **BEFORE THE INSURANCE COMMISSIONER**
9 **FOR THE STATE OF WASHINGTON**

10 In the Matter of the Application
11 regarding the Conversion and
12 Acquisition of Premera Blue Cross
13 and its Affiliates

NO. G02-45

FIFTEENTH ORDER: RULING
ON DISCLOSURE OF OIC'S
DRAFT CONSULTANT REPORTS
TO THE INTERVENERS

14 On September 30, I issued the Fourteenth Order: Ruling on Interveners'
15 Request to Revise the Case Schedule. The Interveners had filed a motion requesting
16 that their time to file expert reports and the discovery cut-off deadline each be
17 extended by one week. The basis for the Interveners' request was their experts' need
18 to have more time to complete their reports after receiving the final reports of the OIC
19 Staff's consultants. I accommodated the Interveners' concerns, without altering the
20 schedule, by requiring the OIC to deliver its draft reports to the Interveners on October
21 3, 2003, at the same they are delivered to Premera.

22 Premera filed a motion to reconsider the Fourteenth Order and asked for an
23 emergency hearing, which was held with all parties present in person or by telephone,
24 on October 1, 2003, in Tumwater at the Office of the Insurance Commissioner.
25 Premera does not object to the Interveners receiving the draft reports but is concerned
26 that the confidentiality provisions of the Protective Order and the Confidentiality

1 Agreement, which were adopted in the Eighth Order, are followed. The confidentiality
2 provisions are applicable to documents produced in discovery. Because the draft
3 reports were to be produced to the Interveners in response to the Fourteenth Order and
4 not in response to a discovery request, Premera raised the issue that the Protective
5 Order and the Confidentiality Agreement may not apply. While not all parties agreed
6 that this in fact would be the case, the parties did agree generally to a solution to
7 resolve any potential issue regarding confidentiality.¹ Having heard argument of the
8 parties, considered Premera's written motion and the Alaska Interveners' written
9 comments, and based upon the parties' agreement as to certain procedures to be
10 followed regarding the production of the OIC Staff's consultant reports,

11 **IT IS ORDERED**, this 3rd day of October, 2003, as follows:

12 1. The requirement in the Fourteenth Order that the OIC Staff produce a
13 copy of its consultants' draft reports to the Interveners is rescinded.

14 2. If the Interveners want a copy or copies, at their expense, of the draft
15 reports of the OIC consultants in accordance with this Order, they may serve a
16 discovery request on Premera by 5:00 p.m. October 6, 2003.

17 3. If a discovery request is served in accordance with paragraph 2 of this
18 Order, Premera shall provide copies of the requested documents to the Interveners by
19 5:00 p.m. on October 10, 2003.

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21 ¹ In addition to receiving draft reports, the Interveners still request their deadline
22 to submit expert reports be extended by one week. Neither the OIC Staff nor Premera
23 objects to such an extension. However, I am not granting an extension at this time.
24 Under the procedures set forth in this Order, the Interveners will have access to the
25 OIC's consultant reports for 31 days, which is 17 more days than originally provided
26 for in the Case Schedule and 10 more days than the Interveners requested in their
motion to modify the Case Schedule. Absent a showing of a specific need and good
cause, I am reluctant to extend any deadline. If a particularized need for an extension
arises, the Interveners may renew their request without prejudice.

